

FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

EUCLID A. MORRILL

Under the International Claims Settlement
Act of 1949, as amended

Claim No. CU-0698

Decision No. CU 3149

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$14,664.00, was presented by EUCLID A. MORRILL and is based upon the asserted loss of real and personal property in Cuba. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, for special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

Claimant asserts ownership of improved realty located at 327 - 226th Street, Jaimanitas, Marianao, Havana, Cuba. In support of this contention, claimant has submitted the original and translated copy of Agreement of Purchase and Sale No. 204 of July 30, 1956. This document recites claimant's purchase of the unimproved land located at what later became 327 - 226th Street for 1,000 pesos, then the equivalent of \$1,000.00.

Claimant also asserts that he caused a house to be constructed on the land. In addition to floor plans of the house, a document dated October 2, 1959 indicating approval of municipal authorities for its construction, and two photographs showing the building under construction and completed, claimant has submitted affidavits executed by Vicente Soto Alvarez and Ernestina Martinez Perez. Each affiant states that the land at 327 - 226th Street, of 12 by 50 meters, was improved by a five-room, one-story concrete block house that was owned by claimant, and that the property had been confiscated by the Cuban Government.

On the basis of evidence of record, and in the absence of evidence to the contrary, the Commission finds that claimant owned a one-half interest in the house and land known as 327 - 226th Street, Jaimanitas, Marianao, Havana, Cuba, the other one-half interest being owned by his wife under the community property laws of Cuba. Claimant's wife, who was not a national of the United States at the time of filing this claim, is not a claimant herein.

Claimant states that the subject property was further improved by a tool house, fence, water tank, furniture and appliances, and other personal property incidental to residence. Claimant has submitted a detailed listing of such personalty, and has ascribed a value to each item. Further, the affidavits of Vicente Soto Alvarez and Ernestina Martinez Perez corroborate

claimant's contentions as to the existence and value of the claimed property. The Commission finds that claimant also owned a one-half interest in this additional property.

On December 6, 1961 the Cuban Government published its Law 989 (Official Gazette, XXIII, No. 237, p. 23705) which confiscated all assets, personal property and real estate, rights, shares, stocks, bonds and securities of persons who had left the country. The Commission finds, in the absence of evidence to the contrary, that the subject real and personal property was taken by the Government of Cuba pursuant to the provisions of Law 989 on July 1, 1963, when claimant left Cuba.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the bases of valuation most appropriate to the property and equitable to the claimant. The Commission has carefully considered all of the evidence of record pertaining to value. On the basis of its area, location, and purchase price, the Commission finds that the value of the 600 square meters of land on the date of loss was \$1,000.00, rather than \$1,500.00 as claimed. The asserted values of all other items of property, however, appear to be fair and reasonable. On the basis of description, floor plans, photographs, and affidavits, the Commission finds that at the time of loss the total value of the house was \$7,500.00, of other improvements was \$2,106.00, and of personal property was \$3,558.00. Therefore, the value of claimant's one-half interest in all of the real and personal property which was confiscated by the Government of Cuba was \$7,082.00, and it is concluded that claimant suffered a loss in that amount within the meaning of Title V of the Act as a result of the taking of his property by the Government of Cuba on July 1, 1963.

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and it is so ordered.

CERTIFICATION OF LOSS

The Commission certifies that EUCLID A. MORRILL suffered a loss, as a result of actions of the Government of Cuba within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Seven Thousand Eighty-two Dollars (\$7,082.00) with interest at 6% per annum from July 1, 1963 to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission

Leonard v. B. Sutton

Leonard v. B. Sutton, Chairman

Theodore Jaffe

Theodore Jaffe, Commissioner

Samuel Friedberg

Samuel Friedberg, Commissioner

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)